

Washington State Board of Health

June 14, 2006



PUBLIC HEALTH

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HEALTHIER WASHINGTON**

Proposed New Chapter 246-500 WAC Handling of Human Remains

To Replace Parts of Chapter 246-490, Vital Statistics



Reasons for Rule Revision

- Update human remains rules to match 2005 changes in law, particularly RCW 18.39.215
- Move human remains provisions out of vital statistics chapter for ease of finding
- Better reflect religious freedom provisions of Article I, Section 11, of the State Constitution
- Implement waiver clause of RCW 18.39.215
- Provide for public health emergencies



Brief History

- 2005 legislative session changes many laws regarding human remains and funeral industry
- Professional licensing provisions
 - Registration of Idaho & Oregon funeral directors to use certificates of removal to haul over state lines
 - Definition of human remains
 - Scattering of cremated remains
 - Disposition of unclaimed remains after 90 days
 - Filing of death certificates
 - RCW 18.39.215 regarding refrigeration/embalming



RCW 18.39.215

(2)(a) Any licensee authorized to dispose of human remains shall refrigerate or embalm the human remains upon receipt of the human remains. ...

Upon written authorization of the proper state or local authority, the provisions of this subsection may be waived for a specified period of time.



Brief History (cont.)

Aug '05 -- CR-101 filed for chapter 246-490 WAC

Dec '05 -- Governor's office hosts meeting with Yakama Nation representatives

Dec '05 -- letter from SBOH and DOL to funeral directors provided temporary waiver regarding removal from refrigeration for religious practices

Feb '06 -- first draft rule started circulating

June '06 -- CR-102 filed



Comments Received

- Respect for religious beliefs is fundamental right
- Invasive and preservative procedures are against the religious beliefs of many
- Removal from refrigeration in a funeral establishment for some period of time is necessary to allow religious and cultural practices for unembalmed bodies
- Removal of unembalmed bodies from refrigeration for more than 24 hours would be of concern to funeral directors



Comments Received (Cont.)

- Removal from refrigeration for identification is necessary in funeral establishments
- Removal from refrigeration allowances should not be limited to members of organized religions
- Infectious agents in dead bodies pose potential threat to employees of funeral establishments and the public – universal precautions principle



Comments Received (Cont.)

- Only a small proportion of dead bodies pose threat of significant infectious disease transmission – barrier precautions are too much
- The medical community rarely informs funeral directors about any particular hazards that may exist to those handling a dead body (e.g., MRSA)
- Some provisions in existing rule are out of date
- Define refrigeration to include use of dry ice



246-500-020

Contact with human remains.

(1) Funeral directors, embalmers, medical examiners, coroners, health care providers, and others directly handling or touching human remains shall:

(a) Wash hands and other exposed skin surfaces with soap and water or equivalent immediately and thoroughly after contact with human remains, blood, or body fluids;

(b) Use barrier precautions if a procedure involves potential contact with blood, body fluids, or internal tissues of the deceased; ...



246-500-030

Refrigeration or embalming of human remains.

(1) Funeral directors, embalmers, and others assisting in the preparation of human remains for final disposition must refrigerate or embalm the remains upon receipt.

Reference: RCW 18.39.215(2)(a)



246-500-030 (cont.)

(2) Funeral directors, embalmers, and others assisting in the preparation of human remains for final disposition may delay refrigeration or remove human remains from refrigeration for the following activities:

Reference: RCW 18.39.215(2)(a)



246-500-030 (cont.)

(d) Viewing for identification for a period of time not to exceed one hour by a person able to identify the deceased;



246-500-030 (cont.)

(e) Washing, anointing, clothing, praying over...viewing, or otherwise accompanying the deceased for a period of time not to exceed 24 hours...provided that anyone directly touching the human remains use barrier precautions as required by WAC 246-500-020(1)(b);



246-500-030 (cont.)

or

(f) As otherwise approved by the local health officer after evaluating specific circumstances, the need to protect public health, and recognition of religious beliefs.



246-500-030 (cont.)

(3) A funeral director, embalmer, or other person assisting in the preparation of human remains for final disposition must prohibit activities otherwise allowed under subsection (2)(e) of this section if informed by a local health officer or medical examiner that such activities would pose a direct threat to human health.



246-500-040

Transportation of human remains.

(2) Prior to transporting human remains by common carrier...

(a) Enclose the human remains in a leak-resistant container placed inside another leak-resistant, securely constructed shipping container to prevent the release of body fluids...



246-500-060

Authority of the local health officer.

To protect public health and respond to emergency situations, the local health officer may:

(1) Impose additional requirements...

or

(2) Suspend any requirements of this chapter.

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